



BRIAN SANDOVAL
Governor

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF MORTGAGE LENDING
7220 Bermuda Road, Suite A
Las Vegas, NV 89119
(702) 486-0782 Fax (702) 486-0785
www.mld.nv.gov

TERRY JOHNSON
Director

JAMES WESTRIN
Commissioner

ADVERTISEMENT SUBMISSION FORM

Fax to: Division of Mortgage Lending
(702) 486-0785

Or

E-Mail to: MLDInfo@mld.nv.gov

Mortgage Broker /Mortgage Banker (Company) Name: _____

Qualified Employee or Advertising Compliance Person: _____
(Not Loan Agent)

Fax No. for Qualified Employee or Advertising Compliance Person: _____

Contact Telephone No.: _____ (Must be a Local Land Line)
Contact E-Mail: _____ (Mandatory)

Please read all of the instructions prior to submission. Attach the **final** version of the advertisement. For advertisements in other than English, please submit the translation in the **identical format** as the non-English version.

For e-mail submissions, please include this form as an attachment and submit to the e-mail address, MLDInfo@mld.nv.gov. Indicate in the subject line: **Advertisement Submitted For Approval**.

If you have additional questions, please contact the Division at (702) 486-0782.

MARK ONE:

☐

INITIAL REQUEST FOR APPROVAL
(Allow 24 to 48-Hour Turn-Around)

☐

RESUBMITTED FOR APPROVAL
WITH CORRECTIONS

Mark Applicable Items:

☐

Newspaper, magazine, etc.

☐

Sales literature

☐

Sales brochure or flyer

Print – submit final proof

Flyers and Postcards - mark “front”
and “back” or indicate number of
pages of the brochure

- ☐ Newsletters* (see special instructions)
- ☐ Billboard
- ☐ Yellow-page listing if more than a line listing
- ☐ Mass mailing or correspondence (letters only)

- ☐ Radio or television advertisement

- ☐ Website – submit the web address
- ☐ Business cards
- ☐ Other (please describe): _____

Billboard – indicate size

Mailings – must be submitted on company letterhead

TV – submit in hard copy form the verbal text and any viewed text

Radio – submit the verbal text exactly as will be read

Websites – send cover page with the web address indicated

Business cards – submit in hard copy form

Each mortgage broker who is licensed under NRS 645B and who received his/her initial license within the past twelve (12) months is required, pursuant to NRS 645B.189(3), to submit any proposed advertisement to the Division for approval.

Mortgage bankers licensed under NRS 645E are not required to submit advertisements for approval; however, the advertisement must meet the same requirements.

All advertisements, whether or not required to be submitted to the Division, must meet all advertisement requirements.

INSTRUCTIONS AND GUIDANCE FOR ADVERTISING COMPLIANCE (Do Not Fax These Instructions With Submission)

The following information is required to be included in each advertisement:

- ☐ Name of the mortgage broker/mortgage banker as filed with the Division. (Logos do not need to include the name as filed with the Division; however, the exact name should be included in the address section.)
- ☐ Address of the licensed location. (The location in the ad must be an active license location.)
- ☐ Main telephone number of the location. (Additional telephone or cell phone numbers may be included in addition to the main telephone number.)
- ☐ If a mortgage agent's name is in the ad, then the mortgage agent must have an active license. The agent's name must be the licensed name of the agent. (Nicknames can be used in addition to the licensed name.)
- ☐ The address, telephone number and either the license number or identifying number issued by the Registry that the mortgage broker, mortgage banker or mortgage agent has on file with the Division.

WHAT ADVERTISING NEEDS TO BE APPROVED?

“Advertising” is defined in NAC 645B.240(12) and NAC 645E.285 (9) to include commercial messages that promote the availability of mortgage products or investments offered by the mortgage broker, mortgage banker or mortgage agent. Commercial messages include, but are not limited to:

- Print media
- Sales literature
- Sales brochures or flyers
- Billboards
- Yellow-page listings if more than a line listing
- Radio and television advertisements

- Mass mailings distributed by the U.S. Postal Service or another such delivery service or by electronic mail
- Telephone or seminar scripts
- Websites or other Internet sites that promote or accept loan applications and
- Business cards
- Electronic media including, but not limited to, media such as Craig's List, Facebook, and Twitter

***Newsletters** – If newsletters are purchased from a third party, only the initial newsletter needs to be approved. Disclosure wording indicating that the information was purchased from a third party must be included in the newsletter. An example of disclosure wording is, "The information contained in this newsletter has been prepared by, or purchased from, an independent third party and is distributed for consumer education purposes."

ADVERTISING THAT DOES NOT NEED APPROVAL

Advertising that does not need approval:

- White page listings
- Employment recruitment announcements
- Office signs
- Banners
- Magnetic car signs and
- Letterhead which contains only the name, address, unique identifier and telephone number of the mortgage broker, mortgage banker or mortgage agent

ADS WITH NON-SUBSTANTIVE CHANGES DO NOT NEED TO BE SUBMITTED

Non-substantive changes include:

- Interest rates that are quoted in the advertisement and any corresponding annual percentage rates
- Promoting another mortgage agent in the same format of advertisement
- Promoting other branch locations in the same format of advertisement
- Placing links on websites that direct the user to non-commercial or consumer education websites and
- Direct telephone or cell phone numbers.

DISTINGUISHING SEPARATE AND DISTINCT (DIFFERENT) COMPANIES AND HOW TO COMPLY

- Newsprint, magazines – Example: If a real estate company and a mortgage company want to advertise jointly, then the information (names, addresses, telephone numbers) of each of the separate companies must be included and distinguishable as separate and distinct different companies.
- Postcards, brochures, flyers – Separate by front and back, top and bottom or separate page insert.
- Verbal media (radio, telephone message, television) – Separate discussion of the activity of the mortgage company to be stated first or follow discussion of the other commercial enterprise. Example: If a real estate agent discusses a specific home and its amenities, the lead line could be stated as, "For information on how to obtain financing on this property, contact..." and any discussion of the mortgage company would then follow.
- Website – An Internet link on a website of the mortgage broker/mortgage banker that links the user to the website of another commercial enterprise must provide notification to the user or open in another window to indicate that the user is leaving the website of the mortgage broker/mortgage banker.

APPEARANCE OF CHECKS, GOVERNMENT SPECIALIZED DEPARTMENTS, OR SPECIALIZED DEPARTMENTS WITHIN THE MORTGAGE COMPANY

A mortgage broker/mortgage banker shall not use advertising that simulates the appearance of:

- A check or
- A communication from a government entity **unless** the words “THIS IS NOT A CHECK,” “NOT NEGOTIABLE,” “THIS IS NOT A GOVERNMENT ENTITY,” as appropriate, appear prominently on the envelope and any material that simulates the appearance of a check or a communication from a government entity.

Material simulating the appearance of a check may not contain an American Bankers Association number, micro encoding or any other marks intended to create the appearance that the material is a negotiable check.

The Division will not approve correspondence that appears to be from a specialized department of the mortgage company unless that department exists in the corporate structure. Additionally, the Division will not approve words or logos that have the appearance of a government entity or division.

APPEARANCE OF PRE-APPROVAL OR PRE-SELECTION

A mortgage broker/mortgage banker shall not use advertising that may confuse the consumer to believe that they are pre-approved or pre-selected **unless** the advertising material clearly provides a disclaimer.

Use of the term “pre-approved” or “pre-approval” must conform to any HMDA or FCRA requirements or guidelines.

REFERENCE TO A BORROWER’S LOAN TERMS

Any advertisement that specifically references a particular borrower’s loan terms, or includes a copy of a particular borrower’s loan documents, should include a statement in the text of the advertisement, as a separate paragraph but in no less than the same font and print style as the remaining text, that the information contained in the letter, or that the copy of the attached document, was obtained from public record sources and not from the borrower’s actual lender. Mortgage brokers should also state that they are not affiliated with the borrower’s actual lender and that the borrower’s lender did not authorize the solicitation. Mortgage banker, mortgage brokers or mortgage agents shall not refer to an existing lender or financial institution, other than the mortgage banker, mortgage broker or mortgage agent himself or any affiliate or subsidiary of the mortgage banker, on any advertising material without the written consent of the lender or financial institution. Additionally, every copy of a borrower’s loan document that is included with the advertisement should have the public source’s document number, recorder stamp or similar identification imprinted on the document. A bar code only form of identification is insufficient.

INTEREST RATE TEXT AND PAYMENT TEXT GUIDELINES

Regulation Z Truth in Lending and Official Staff Commentary guidelines are to be followed. Division guidelines are summarized as follows:

- Advertisement of interest rates and terms must be actually available terms at the time of the advertisement.
- If stating an interest rate, the corresponding APR must also be stated.
- For stated introductory interest rates, the terms and the APR must be disclosed. Interest rates and payments of an introductory nature must disclose that the loan may result in a negative amortization or minimum payments will not reduce the principal amount of the loan.
- Terms must be as conspicuous as the interest rate. Examples: Capitalized when other disclosures are printed in capital and lower case, printed larger type, bold print of different type face, printed in contrasting color, underlined, set off with asterisks. The font size can be no smaller than other font size in the advertisement.
- If using any of the following terms, all of the items must be included in the advertisement:
 - (a) Amount of percentage of the down payment
 - (b) The number of payments or period of repayment
 - (c) Amount of any payment

(d) Amount of any finance charge

- Variable rates must disclose terms with a phrase such as “which is subject to change,” the terms of the variable rate, limits and caps.
- Cannot use the phrase “skip a payment.” It is acceptable to indicate payments are deferred.
- Offerings of payments being made by a party other than the borrower (for example, the builder or seller) must disclose the name of the third party to hold such funds and must clearly disclose that the borrower is responsible for the payment of amounts over and above principal and interest.

The Division reserves the right to request that the mortgage broker/mortgage banker substantiate claims of interest rates and/or terms.

The Division recommends that licensees review “How To Advertise Consumer Credit & Lease Terms” at www.ftc.gov. Click on the tab “Business Information” and then “Credit.”

INCENTIVES AND GIVEAWAYS

Items of value cannot be advertised to be given away as an inducement to conduct business. If a drawing or a giveaway of free items is advertised, it must be available to the public and cannot be conditioned upon applying for or obtaining a loan. The drawing date and the date on which the winner will be announced must be stated. The drawing or raffle must comply with all applicable regulatory guidelines and rules.

Items stated as free (such as appraisals and credit reports) must be free and not subject to a funded loan unless it is stated in the ad that it is subject to closing a loan. If free, there cannot be an increase in other charges to offset the “free” items. Other items (such as gift cards or certificates) cannot be conditioned upon a loan closing or completion of a loan application.

SUBSTANTIATE IT

The Division reserves the right to request that the mortgage broker/mortgage banker substantiate any claim being made within an advertisement. Words such as “Loan Specialist,” “Loan Expert,” etc., must be substantiated with a certificate or diploma supporting such.

PRIVATE MONEY DISCLOSURES

Mortgage brokers who advertise for private investors must include in their advertisements the following disclosures:

Money invested through a mortgage broker is not guaranteed to earn any interest or return and is not insured.

Prior to investing, investors must be provided applicable disclosure documents.

No advertisements can state or imply a loan-to-value or appraised or comparative value unless an appraisal has been completed by a licensed appraiser.

No statements of personal guarantees by borrowers may be included in any advertisements.

RECORD KEEPING REQUIREMENTS

Approvals for advertising must be maintained at the location of the mortgage broker and must be available for inspection for at least one (1) year after the last day that the advertisement is used. The mortgage broker should maintain a separate file at the location of the licensee with all ads and the approvals received from the Division. If ads with non-substantive changes have been used, a copy of the original approved ad should be maintained with all forms of the ad used.